

EBENEZER EASTMAN.

JUNE 10, 1842.

Read, and laid upon the table.

Mr. MILTON BROWN, from the Committee on the Judiciary, submitted the following

REPORT:

The Judiciary Committee, to whom was referred the petition of Ebenezer Eastman, beg leave to report:

That the petitioner purchased a lot of land, No. 2, in Bethlehem, in the State of New Hampshire, of one Joseph Greely, in 1825, for which he paid \$200. Said Greely received the same by inheritance from his father, Samuel Greely, whose title rested on a purchase under a sale for direct taxes, under the provisions of an act of Congress, approved January 9, 1815. That one George Little and another person, taking possession of said land and commencing the cutting of timber, a writ was sued out against them by petitioner; and that, on the trial, the validity petitioner's title coming up, it was decided that no title had passed under the sale for taxes, because of defect in the notice required to be given by the collector. (See the case of "Ebenezer Eastman vs. George Little and another," New Hampshire Rep. vol. 5, page 290.)

The petitioner says the lot has since been sold for over two thousand dollars; and that, besides this great sacrifice in the loss of the land, he has also expended, for counsel fees and costs of litigation, the sum of \$312; and prays that "such remuneration may be made to him as the wisdom of Congress may direct."

The committee is of opinion that the Government, in selling lands for taxes, neither warrants the title nor is responsible for the regularity of the sale. The purchaser takes nothing except what the proceedings under which he purchases will confer. The regularity of these proceedings are matters of record and public notice, which he is bound to look to.

The committee therefore respectfully recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

EBENEZER EASTMAN

June 10, 1819.
Read, and laid upon the table.

Mr. Eastman, from the Committee on the Judiciary, submitted the following

REPORT

That the Committee on the Judiciary, to whom was referred the petition of Ebenezer Eastman, do hereby report:

That the petitioner purchased a lot of land, No. 2, in Bethel, Maine, of New Hampshire, of one Joseph Greely, in 1825, for the sum of \$200. Said Greely received the same by inheritance from his father, Greely, whose title rested on a purchase under a deed of the State of New Hampshire, approved by the Legislature of that State, in 1785, under the provisions of an act of Congress, approved by the President of the United States, in 1785, for the purpose of settling the title of the said lot, and commencing the cutting of timber, a writ was issued by the court of the said State, and the validity of the title was put in question; and it was decided that the title was valid, and the sale for taxes, was up, it was decided that no title had passed under the sale for taxes, and of record in the notice returned to be given by the collector. (See case of Ebenezer Eastman vs. George Little and another, No. 1, in the 1st volume of the Reports of the Supreme Court of the State of New Hampshire, vol. 1, page 220.)

The petitioner says the lot has since been sold for taxes, and that, besides this great sacrifice in the loss of the lot, he has expended for counsel fees and costs of litigation, the sum of \$212; and that such consideration may be made to him as the wisdom of the court may deem proper.

The committee are of opinion that the government, in selling the land, is not responsible for the loss of the lot, and that the petitioner takes nothing except what the proceedings in the court will confer. The regularity of these proceedings is not in question, and the committee therefore respectfully recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.